



12/8/05

## MESSAGES FROM THE HOUSE

### **SB 457 (Cropsey)**

SB 457 would convey 3 parcels of land in Ionia County, formerly owned by the Department of Corrections and now declared surplus state property, to Ionia County for the sum of \$1. The property would have to be used for a public purpose (a park) or the state could repossess the land. In total, there are 207 acres in the three parcels. The land is vacant and situated near the Bellamy Creek and Michigan Reformatory facilities.

- The Senate concurred with the House changes to SB 457 [RC 671: 35 yes, 0 no; RC 672: 36 yes, 0 no]. A second vote was taken due to a malfunction with the voting board.

### **SB 668 (VanWoerkom)**

### **SB 669 (Stamas)**

Senate Bill 668 would amend the Michigan Agricultural Processing Act to provide that, until the Agriculture Commission establishes generally accepted processing practices, a processing operation could not be found to be a nuisance in court if the Director of the Michigan Department of Agriculture (MDA) determined that the operation was in compliance with specific environmental laws and food manufacturing practices. The bill also provides that this determination, or a determination that a processing operation existed before a change in use or occupancy of land within one mile of its boundaries, would create a rebuttable presumption that the operation was operating under GAPS or was not a nuisance.

- The Senate concurred with the House changes to SB 668 [RC 673: 36 yes, 0 no].

Senate Bill 669 would amend the Michigan Agricultural Processing Act to provide that a person could not bring a nuisance action against a processing operation until he or she had filed an administrative complaint under the Act and the complaint had been resolved. The bill would require the MDA to resolve an administrative complaint based on assessments by the Department of Environmental Quality and the MDA of the operation's compliance with the laws and practices cited in Senate Bill 668 (S-1), if GAPS were not established.

- The Senate concurred with the House changes to SB 669 [RC 674: 35 yes, 0 no].

### **SB 723 (Bishop)**

Senate Bill 723 would amend the Occupational Code to elevate from a misdemeanor to a felony, and increase the penalties for, the unauthorized practice of public accounting and the misuse of titles and abbreviations

restricted for CPAs. Currently, a violation is punishable by up to one year's imprisonment and/or a maximum fine of \$5,000; under the bill, it would be punishable by up to five years' imprisonment and/or a maximum fine of \$25,000.

- The Senate concurred with the House changes to SB 723 [RC 675: 36 yes, 0 no].

## FINAL PASSAGE

**SB 529 (Scott)**

**SB 530 (Thomas)**

**HB 4540 (Gaffney)**

The bills, taken together, would make "homestead facilities" eligible for residential tax abatements under the Neighborhood Enterprise Zone Act. Current law only applies to new or rehabilitated housing. This package extends the current program, which provides tax incentives for people to refurbish substandard housing. The cost to the cities and counties is unknown, as the scope of the program is not known. Wayne County roughly estimates a \$3-4 million loss and the City of Detroit loss was estimated by Senate Fiscal at \$11 million.

**SB 529:**

- SB 529 was moved to 3<sup>rd</sup> Reading. No amendments.
- SB 529 passed [RC 689: 36 yes, 0 no].

**SB 530:**

- Committee 1 (S-2) was adopted.
- Patterson 2 was adopted.
- SB 530 was moved to 3<sup>rd</sup> Reading.
- SB 530 passed [RC 690: 35 yes, 0 no].

**HB 4540:**

- Committee 1 (S-1) was adopted.
- HB 4540 was moved to 3<sup>rd</sup> Reading.
- HB 4540 passed [RC 688: 36 yes, 0 no].

**SB 670 (McManus)**

Senate Bill 670 would allow the Department of Environmental Quality to sell parcels along Lake St. Clair in St. Clair County that are now occupied under long term leases. The sale would have to be at no less than fair market value, however the appraisal shall not include improvements such as buildings, seawalls or docks. The property will basically be appraised as marshland. Applications for a deed from the current leaseholder would be required at least one year prior to the expiration of their lease and must be accompanied by a \$500 fee. All fees and sale proceeds from these sales would be credited to the Land and Water Management Permit Fee fund and the DEQ would be allowed to charge against this fund for the administrative costs of processing leases and deed requests. For a deed to be approved, structures on the property, including seawalls, must comply with local building codes, local and state sanitation laws, and must be protected from erosion. Applicants shall provide a boundary survey completed by a professional surveyor. The state will retain ownership of property below the ordinary high water mark of Lake St. Clair at the time of the conveyance. If a lease expires without a deed being issued, the former leaseholder shall be considered trespassing. Any assignment of current leases must be approved by the DEQ. Requests for approval of assignment of a lease shall be accompanied by a \$250 fee.

- *McManus 1 (3 amends) was adopted.*
- *SB 670 was moved to 3<sup>rd</sup> Reading of Bills.*
- **SB 670 passed [RC 676: 36 yes, 0 no].**

#### **SB 757 (Johnson)**

SB 757 would extend (until the end of 2006) the sanctions and exemptions provisions of the welfare law which are expiring at the end of December.

- **SB 757 was moved to 3<sup>rd</sup> Reading. No amendments.**
- **SB 757 passed [RC 700: 35 yes, 0 no].**

#### **SB 850 (Birkholz)**

#### **SB 851 (Patterson)**

#### **SB 852 (Van Woerkom)**

#### **SB 854 (Basham)**

#### **SB 857 (Brater)**

### **REGULATE WATER WITHDRAWALS**

SBs 850-57 would: 1) Require new and expanding groundwater users to get permits if they withdraw more than 2 million gallons per day. There are five facilities in Michigan that withdraw at least that amount, according to a Senate Fiscal Agency analysis. 2) Require permits for new and expanding users that take more than 5 million gallons a day from the Great Lakes or rivers connecting the lakes. 3) Bar users from extracting more than 100,000 gallons per day if the withdrawal could harm trout streams. 4) Two years after the law takes effect, prohibit users from taking more than 100,000 gallons per day if the withdrawal would hurt fish populations in other streams and lakes.

<http://www.mlive.com/newsflash/michigan/index.ssf?/base/news-30/113391565517210.xml&storylist=newsmichigan>

#### **SB 850:**

- *Committee 1 (S-6) was adopted.*
- *Brater 1A (1 amend) was defeated. Tie-bar to SB 855 (Brater) – legislative approval would be required before new facilities would be allowed to sell Great Lakes water.*
- *Brater 1B (2 amends) was defeated. This would strengthen DEQ's ability to protect Michigan's water, by expanding the definition of adverse impact protections.*
- *SB 850 was moved to 3<sup>rd</sup> Reading.*
- **Brater 1 (1 amend) was defeated [RC 677: 16 yes, 19 no]. Tie-bar to SB 855 (Brater) – legislative approval would be required before new facilities would be allowed to sell Great Lakes water.**
- **Brater 2 (2 amends) was defeated [RC 678: 16 yes, 20 no]. This would strengthen DEQ's ability to protect Michigan's water, by expanding the definition of adverse impact protections.**
- **SB 850 passed [RC 679: 36 yes, 0 no].**

#### **SB 851:**

- *Committee 1 (S-4) was adopted.*
- *SB 851 was moved to 3<sup>rd</sup> Reading.*
- **SB 851 passed [RC 680: 36 yes, 0 no].**

#### **SB 852:**

- *Committee 1 (S-5) was adopted.*

- *Birkholz 1A (1 amend) was adopted.*
- *Basham 1B (1 amend) was defeated. Industries would have to establish best management practices, and then have to follow these practices.*
- *SB 852 was moved to 3<sup>rd</sup> Reading.*
- *Basham 1 (1 amend) was defeated [RC 681: 18 yes, 18 no]. Industries would have to establish best management practices, and then have to follow these practices.*
- *SB 852 passed [RC 682: 36 yes, 0 no].*

SB 854:

- *Committee 1 (S-1) was adopted.*
- *SB 854 was moved to 3<sup>rd</sup> Reading.*
- *SB 854 passed [RC 683: 36 yes, 0 no].*

SB 857:

- *Committee 1 (S-1) was adopted.*
- *Brater 1A (1 amend) was withdrawn.*
- *SB 857 was moved to 3<sup>rd</sup> Reading.*
- *SB 857 passed [RC 684: 36 yes, 0 no].*

### **HB 4993 (Kooiman)**

HB 4993 would grant a Grand Rapids area transportation group the authority organize to access a \$14.4 million federal grant for preliminary engineering related to a "New Starts" transportation project.

- *Brater 1 (1 amend) was defeated. This would have extended the opportunity to qualify for federal funds to all Michigan communities.*
- *HB 4993 was moved to 3<sup>rd</sup> Reading.*
- *Brater 1 (1 amend) was defeated [RC 686: 15 yes, 21 no (gop)]. This would have extended the opportunity to qualify for federal funds to all Michigan communities, not just Grand Rapids. Brater: "Unless we pass this, it will cost Michigan hundreds of millions of dollars.*
- *HB 4993 passed [RC 687: 20 yes, 16 no].*

### **HB 5427 (Casperson)**

HB 5427 would extend rules regarding sulfide mining from December 31, 2005 to January 31, 2006. The bill would ensure that rules are in place to properly regulate underground sulfide mines in the state. This type of mining, while new to Michigan, is known to produce high levels of toxic materials, including sulfuric acid. Rules to govern the mines must prevent the release of toxic contaminants into the environment that would pollute ground water and destroy the surrounding ecology of the area. To that end, a regulatory framework protecting the environment and public health must be carefully developed and consistently implemented. The bill helps to accomplish these ends by extending the rule-making deadline by one month, giving departmental specialists more time to respond to written comments that have followed upon the public hearings, and the public more time to consider the effects of nonferrous metallic mineral mining.

- *Brater 1 was defeated. This would have extended the deadline from 1/31/06 to 3/31/06.*
- *HB 5427 was moved to 3<sup>rd</sup> Reading.*
- *Birkholz 2 was adopted. This would have extended the deadline for 45 days.*
- *HB 5427 passed with IE [RC 685: 36 yes, 0 no].*

**HB 5438 (Kooiman)**  
**HB 5439 (Shaffer)**  
**HB 5440 (Pearce)**  
**HB 5441 (Farhat)**  
**HB 5442 (Ball)**

## WELFARE REFORM

HBs 5438-42 revise current policies for the Department of Human Services' Family Independence Program (FIP). The FIP program is the state's cash assistance program for low-income families with children. Currently, the program serves around 78,000 recipient groups, or about 212,000 individual recipients. These groups receive an average benefit of \$415 per month to assist them in meeting basic needs. Except for those groups deferred from work requirements – for example, groups where the adult is disabled or caring for a disabled child or spouse - FIP recipients are expected to participate in up to 40 hours per week of work-related activities (e.g. actual employment, job search, GED preparation).

House Bill 5438 phases in a cumulative 48-month limit lifetime limit on the receipt of cash assistance within the Family Independence Program (FIP) and requires a 10% reduction in the payment standard for groups participating in Work First and containing at least one employed group member. The time limit would apply only to those groups that are referred to the Work First program. Groups deferred from Work First (usually because the adult in home is incapacitated or is caring for an incapacitated child or spouse) would not be subject to the requirement.

- HB 5438 was moved to 3<sup>rd</sup> Reading.
- Clark-Coleman 1 was adopted [RC: 691: 22 yes, 12 no; RC 693: 36 yes, 0 no]
- HB 5438 passed [RC 694: 24 yes, 12 no]. Immediate Effect was given to the bill [RC 695: 26 yes, 8 no].

House Bill 5439 requires the DHS to include the amount of Supplemental Security Income received by a member of a FIP program group in determining income used for eligibility purposes. Currently, the recipient of SSI is excluded from the program group and the SSI benefit amount is excluded from incomes when examining eligibility for FIP. Federal SSI payments for 2006 are \$603 per month for eligible individuals. Typically, this is supplemented by a state payment of \$14 for individuals living independently.

- Hardiman 2 (S-2) was adopted.
- Hardiman 2A was adopted.
- HB 5439 was moved to 3<sup>rd</sup> Reading.
- HB 5439 passed with IE [RC 696: 35 yes, 0 no].

House Bill 5440 requires for FIP applicants who have resided in Michigan for less than one year and assert that they have not received cash or other welfare assistance from other states, the bill requires the DHS to determine the state or states of residence for these applicants during the year preceding application and to confirm whether the applicant received cash or medical assistance in the state or states in which he or she resided. This new requirement would increase administrative costs to the Department. Information is not yet available to determine the amount of the cost increase.

- Committee 1 (1 amend) was adopted.
- HB 5440 was moved to 3<sup>rd</sup> Reading.
- HB 5440 passed with IE [RC 697: 24 yes, 11 no].

House Bill 5441 implements a "three strikes" sanction policy as well as partial reductions to benefits for recipients failing to comply with Work First requirements. The policy proposal would increase the current one month, full family sanction for instances of noncompliance to three months for the second instance of noncompliance and to lifetime FIP ineligibility for the group for the third instance of noncompliance. The bill would impose partial benefit reductions for failing to meet specified work participation hours.

- Committee 1 (S-1) was adopted.
- Hardiman 2 (S-2) was adopted.
- HB 5441 was moved to 3<sup>rd</sup> Reading.
- HB 5441 passed with IE [RC 698: 24 yes, 11 no].

House Bill 5442 would implement an increase in the earned income disregard for FIP cases for recipient groups that are participating in Work First and are employed for at least 20 hours per week. A group's countable income is subtracted from the payment standard to determine its actual monthly benefit.

- Committee 1 (S-1) was adopted.
- Hardiman 2 (S-2) was adopted.
- HB 5442 was moved to 3<sup>rd</sup> Reading.
- HB 5442 passed with IE [RC 699: 35 yes, 0 no].

## THIRD READING

### SB 181 (Patterson)

SB 181 would create a new act to establish the Office of State Poet Laureate within the Department of State.

- SB 181 was moved to 3<sup>rd</sup> Reading. No amendments.

### SB 519 (Kuipers)

SB 519 would allow a nursing mother to claim exemption from jury service for the period during which she was nursing her child. A nursing mother would be exempt upon making the request, if she provided a letter from a physician or certified nurse midwife verifying that she was a nursing mother.

- Committee 1 (S-1) was adopted.
- SB 519 was moved to 3<sup>rd</sup> Reading.

### SB 561 (McManus)

SB 561 would amend the Good Samaritan law to revise a provision granting members of the National Ski Patrol system immunity from liability for civil damages as a result of acts or omissions in rendering emergency care.

- Committee 1 (S-1) was adopted.
- SB 561 was moved to 3<sup>rd</sup> Reading.

### HB 4508 (Kahn)

HB 4508 would include pharmacists, pharmacist interns, and medical residents in provisions granting immunity to and expanding the scope of practice of certain health professionals who render services during a state of disaster declared by the Governor.

- HB 4508 was moved to 3<sup>rd</sup> Reading of bills. No amendments.

#### **HB 5054 (Taub)**

HB 5054 would extend governmental immunity to care or treatment provided by an uncompensated "search and rescue operation medical assistant".

- HB 5054 was moved to 3<sup>rd</sup> Reading of bills. No amendments.

#### **HB 5145 (Steil)**

HB 5145 states that a defendant who had been ordered to pay fines, costs, or assessments under the provisions of HB 5023 were incarcerated, the sheriff or Department of Corrections (DOC) would have to deduct 50 percent of the funds received by the defendant in a month over \$50 for payment of the fine, cost, or assessment if ordered to do so by the court. The sheriff or DOC would have to promptly forward the deducted funds when the amount exceeded \$100 or would have to forward the entire amount if the defendant were released from custody.

- Committee 1 (S-1) was adopted.
- SB 5145 was moved to 3<sup>rd</sup> Reading.

#### **HB 5333 (Elsenheimer)**

#### **HB 5339 (Casperson)**

House Bill 5333 would amend the section, which defines the authority of the Mackinac Bridge Authority. The section currently grants to the Mackinac Bridge Authority discretion to employ such legal and financial services that it deems necessary. The bill would insert the word "sole" to the sentence to indicate that the Mackinac Bridge Authority would have "sole discretion."

- HB 5333 was moved to 3<sup>rd</sup> Reading. No amendments.

House Bill 5339 would amend the Mackinac Bridge Authority's original authorizing legislation. Current law provides for a seven member Mackinac Bridge Authority with the seventh member designated as the state "highway commissioner." The bill would amend this reference to indicate that the seventh member is the "director of the state transportation department or his or her designee." Current law directs the State Treasurer to elect one member to serve as treasurer of the Mackinac Bridge Authority, but also provides for the State Treasurer to handle all funds. The bill would authorize the treasurer of the Mackinac Bridge Authority, not the state Treasurer, to handle all funds, and would authorize the Mackinac Bridge Authority to "determine the manner in which funds are invested."

- HB 5339 was moved to 3<sup>rd</sup> Reading. No amendments.